

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: REQUEST FOR SPECIAL EXCEPTION TO EXPAND AN EXISTING PRIVATE SCHOOL FOR CHILDREN WITH LEARNING ABILITIES IN THE A-1 (AGRICULTURE DISTRICT); (PACE/RICHARD M. DUNN, APPLICANTS).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Earnest McDonald **CONTACT:** Earnest McDonald **EXT.** 7430

Agenda Date 10-27-03 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR SPECIAL EXCEPTION TO EXPAND AN EXISTING PRIVATE SCHOOL FOR CHILDREN WITH LEARNING ABILITIES IN THE A-1 (AGRICULTURE DISTRICT); (PACE/RICHARD M. DUNN, APPLICANTS); OR
2. **DENY** THE REQUEST FOR SPECIAL EXCEPTION TO EXPAND AN EXISTING PRIVATE SCHOOL FOR CHILDREN WITH LEARNING ABILITIES IN THE A-1 (AGRICULTURE DISTRICT); (PACE/RICHARD M. DUNN, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(Commission District #2, Morris)

(Earnest McDonald, Principal Coordinator)

GENERAL INFORMATION	PACE/RICHARD M. DUNN, APPLICANTS 1171 SANDY LANE LONGWOOD, FL 32779	A-1 DISTRICT, LDC SECTION 124 (CONDITIONAL USES); PRIVATE & PUBLIC SCHOOLS
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO EXPAND AN EXISTING SCHOOL FOR CHILDREN WITH LEARNING DISABILITIES IN THE A-1 DISTRICT BY CONVERTING AN EXISTING SINGLE-FAMILY RESIDENCE TO OFFICE AND CLASSROOM SPACE AND INCORPORATING THE SAME INTO THE OVERALL PACE SCHOOL SITE. • ON APRIL 16, 1979, THE BOARD OF ADJUSTMENT (BOA) APPROVED A SPECIAL EXCEPTION, WHICH ESTABLISHED THE EXISTING PRIVATE SCHOOL ON AN ADJACENT PARCEL TO THE NORTH WITH THE FOLLOWING CONDITIONS: <ul style="list-style-type: none"> ○ ADJACENT PROPERTIES SHALL BE BUFFERED FROM OUTSIDE PLAY AREA BY A 6 FT FENCE. ○ THE COUNTY ENGINEER SHALL REVIEW ACCESS PRIOR TO ISSUANCE OF REMODELING PERMIT. 	

	<ul style="list-style-type: none"> • <u>ON JUNE 12, 1979</u>, THE BOARD OF COUNTY COMMISSIONERS (BCC) UPHELD THE BOA'S DECISION IN GRANTING THE SPECIAL EXCEPTION, FOLLOWING AN APPEAL BY EDWARD GREELEY, WITH THE FOLLOWING CONDITIONS: <ul style="list-style-type: none"> ○ THE SCHOOL SHALL BE OPERATED ONLY FOR STUDENTS WITH LEARNING DISABILITIES. ○ A SOLID FENCE OR HEDGE SHALL BE PLACED ALONG THE WESTERN & SOUTHERN PROPERTY LINES. ○ THE SCHOOL SHALL NOT BE OPENED ON HOLIDAYS OR WEEKENDS. ○ OUTSIDE ACTIVITIES SHALL BE RESTRICTED TO BETWEEN THE HOURS OF 12:30 PM & 3:00 PM. ○ THE POOL SHALL NOT BE UTILIZED FOR SWIMMING LESSONS. ○ THE SITE PLAN FOR BUILDING MODIFICATION SHALL BE REVIEWED BY THE DEVELOPMENT REVIEW COMMITTEE (DRC). • <u>ON MAY 18, 1987</u>, THE BOA AMENDED THE EXISTING SPECIAL EXCEPTION, WHICH INCREASED ENROLLMENT FROM 120 STUDENTS TO 200 STUDENTS. • <u>ON JULY 27, 1992</u>, THE BOA FURTHER AMENDED THE EXISTING SPECIAL EXCEPTION TO ADD A LIGHTED SPORTS COURT, INCREASE THE SIZE OF THE PROPERTY, & INCREASE THE HOURS OF OUTSIDE ACTIVITIES, SUBJECT TO THE FOLLOWING CONDITIONS: <ul style="list-style-type: none"> ○ THE LIGHTED SPORTS COURT SHALL NOT BE USED AFTER 10 PM. ○ ALL OTHER OUTSIDE ACTIVITIES SHALL CEASE AT 8 PM. ○ A 6 FT FENCE SHALL BE INSTALLED AT THE NORTH, EAST & SOUTH SIDES OF OUTPARCEL 7A (UNLESS THE ABUTTING PROPERTY OWNER DOES NOT DESIRE THE SAME). ○ NO ACCESS SHALL BE PROVIDED TO SANDY LANE. ○ THE PROPOSED CLASSROOM SHALL MEET CODE REQUIREMENTS. • <u>ON SEPTEMBER 22, 2003</u>, THE BOA CONTINUED THIS ITEM TO ITS OCTOBER 27, 2003 MEETING TO ALLOW FOR THE SUBMITTAL AND REVIEW OF A SITE PLAN THAT MEETS THE REQUIREMENTS OF THE LAND DEVELOPMENT CODE. • THE EXISTING SITE IS LOCATED IN THE A-1 DISTRICT, WHERE PRIVATE AND PUBLIC MIDDLE / HIGH SCHOLLS ARE ALLOWED ONLY AS CONDITIONAL USES; A SPECIAL EXCEPTION IS THEREBY REQUESTED FOR THE FURTHER EXPANSION OF THE EXISTING SCHOOL, WHICH ENCOMPASSES GRADES 1 THROUGH 12.
ZONING & FLU	<div>DIRECTION</div> <div>EXISTING ZONING</div> <div>EXISTING FLU</div> <div>USE OF PROPERTY</div>

	SITE	A-1	LDR	SINGLE-FAMILY
	NORTH	A-1	LDR	TENNIS COURTS & SCHOOL
	SOUTH	A-1	LDR	SINGLE-FAMILY
	EAST	A-1	LDR	SCHOOL
	WEST	A-1	LDR	SINGLE-FAMILY
STANDARDS FOR GRANTING A SPECIAL EXCEPTION; LDC SECTION 30.43(b)(2)	THE BOARD OF ADJUSTMENT (BOA) SHALL HAVE THE POWER TO HEAR AND DECIDE SPECIAL EXCEPTIONS IT IS SPECIFICALLY AUTHORIZED TO PASS UNDER THE TERMS OF THE LAND DEVELOPMENT CODE UPON DETERMINATION THE USE REQUESTED:			
	<u>IS NOT DETRIMENTAL TO THE CHARACTER OF THE AREA OR NEIGHBORHOOD OR INCONSISTENT WITH TRENDS OF DEVELOPMENT IN THE AREA:</u>			
	THE PROPOSED USE WOULD REPRESENT AN EXPANSION OF EXISTING SCHOOL FACILITIES FOR CHILDREN WITH LEARNING DISABILITIES, INCLUDING GRADES 1 THROUGH 12. IT WOULD THEREFORE BE CONSISTENT WITH THE CHARACTER OF THE AREA, AS THE PREVIOUSLY ENUMERATED CONDITIONS IMPOSED ON THE OVERALL DEVELOPMENT WOULD CONTINUE TO APPLY.			
	<u>DOES NOT HAVE AN UNDULY ADVERSE EFFECT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS AND VOLUMES:</u>			
	NO ADDITIONAL ENROLLMENT OR FACULTY IS PROPOSED IN CONJUNCTION WITH THE DESIRED SCHOOL FACILITY EXPANSION. STAFF RECOMMENDS THE CLOSURE OF THE EXISTING DRIVEWAY TO SANDY LANE AND THE PROVISION OF INTERNAL ACCESS FROM THE ABUTTING SCHOOL PROPERTY TO THE NORTH AND EAST.			
	<u>IS CONSISTENT WITH THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN:</u>			
	THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN DESCRIBES LDR (LOW DENSITY RESIDENTIAL) FUTURE LAND USE AS MOSTLY APPROPRIATE FOR DETACHED SINGLE-FAMILY DEVELOPMENT. CERTAIN OTHER USES, INCLUDING SCHOOLS OF THE TYPE PROPOSED, ARE ALLOWED BY SPECIAL EXCEPTION. WITH THE IMPOSITION OF REASONABLE CONDITIONS, MANY OF WHICH ALREADY APPLY TO THE EXISTING SCHOOL SITE, THE PROPOSED USE WOULD BE COMPATIBLE WITH THE LDR FLU DESIGNATION.			
	<u>MEETS ANY ADDITIONAL REQUIREMENTS SPECIFIED IN THE CODE SECTION AUTHORIZING THE USE IN A PARTICULAR</u>			

	<p><u>ZONING DISTRICT OR CLASSIFICATION:</u></p> <p>BASED ON THE SUBMITTED SITE PLAN, THE PROPOSED USE (EXISTING SINGLE-FAMILY STRUCTURE) MEETS THE MINIMUM AREA AND DIMENSIONAL REQUIREMENTS OF THE A-1 DISTRICT.</p> <p><u>WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:</u></p> <p>WITHIN THE A-1 DISTRICT, SCHOOLS ARE ALLOWED AS CONDITIONAL USES. THE PRIOR ESTABLISHMENT OF THE SCHOOL, OF WHICH THE PROPOSED USE WOULD CONSTITUTE A PART, DEMONSTRATES CONSISTENCY WITH THE TREND OF NEARBY AND ADJACENT DEVELOPMENT IN THE AREA.</p>
<p>STANDARDS FOR GRANTING A SPECIAL EXCEPTION IN THE A-1 (AGRICULTURE DISTRICT); LDC SECTION 30.124(a)</p>	<p>THE BOA MAY PERMIT ANY USE ALLOWED BY SPECIAL EXCEPTION IN THE A-1 (AGRICULTURE DISTRICT) UPON MAKING FINDINGS OF FACT, IN ADDITION TO THOSE REQUIRED BY SECTION 30.43(B)(2) OF THE LAND DEVELOPMENT CODE, THAT THE USE:</p> <p><u>IS CONSISTENT WITH THE GENERAL ZONING PLAN OF THE A-1 (AGRICULTURE DISTRICT):</u></p> <p>AS PREVIOUSLY STATED, THE PROPOSED USE WOULD PROVIDE ADDITIONAL OFFICE AND CLASSROOM SPACE FOR A SCHOOL USE ALREADY APPROVED IN THE A-1 DISTRICT. THE PROPOSED USE (TO BE LOCATED IN THE EXISTING SINGLE-FAMILY STRUCTURE) WOULD OTHERWISE COMPLY WITH THE STANDARDS OF THE A-1 DISTRICT, AS STATED ELSEWHERE IN THIS REPORT.</p> <p><u>IS NOT HIGHLY INTENSIVE IN NATURE:</u></p> <p>THE REQUEST WOULD NOT BE HIGHLY INTENSIVE IN NATURE, SINCE NO ADDITIONAL IMPROVEMENTS, OTHER THAN UTILITY UPGRADES, STORMWATER MANAGEMENT, REQUISITE PARKING, AND VEHICULAR / PEDESTRIAN ACCESS TO THE ESTABLISHED SCHOOL WOULD BE PROVIDED. NO ADDITIONAL BUILDINGS OR FACILITIES ARE PROPOSED ON THE SITE AT THIS TIME.</p> <p><u>HAS ACCESS TO AN ADEQUATE LEVEL OF URBAN SERVICES SUCH AS SEWER, WATER, POLICE, SCHOOLS AND RELATED SERVICES:</u></p> <p>THE SUBJECT PROPERTY IS SERVED BY ON-SITE SEPTIC AND WELL SYSTEMS. OTHER COUNTY SERVICES, INCLUDING EMERGENCY SERVICES AND GARBAGE DISPOSAL, ARE ALSO AVAILABLE TO THE SITE. A LETTER FROM UTILITIES, INC., WHICH PROVIDES WATER AND SEWER UTILITIES IN THE</p>

STAFF FINDINGS	<p>AREA, WOULD BE REQUIRED AT FINAL SITE PLAN REVIEW.</p> <p>STAFF BELIEVES THE PROPOSED USE WOULD BE COMPATIBLE WITH THE TREND OF DEVELOPMENT IN THE AREA FOR THE FOLLOWING REASONS:</p> <ul style="list-style-type: none">○ THE PROPOSED USE WOULD CONSTITUTE A CONVERSION OF AN EXISTING SINGLE-FAMILY HOME TO OFFICE AND CLASSROOM SPACE TO SERVE AN EXISTING SCHOOL. OTHER THAN UTILITY UPGRADES, STORMWATER MANAGEMENT, REQUISITE PARKING, AND VEHICULAR / PEDESTRIAN ACCESS TO THE ESTABLISHED SCHOOL, NO ADDITIONAL SITE IMPROVEMENTS ARE PROPOSED.○ BASED ON THE SUBMITTED SITE PLAN, THE PROPOSED USE WOULD CONFORM TO THE MINIMUM DIMENSIONAL STANDARDS OF THE A-1 DISTRICT.○ THE EXISTING SCHOOL, OF WHICH THE PROPOSED USE WOULD CONSTITUTE AN EXPANSION THEREOF, HAS AN APPROVED SPECIAL EXCEPTION FOR A SCHOOL FACILITY. WITH THE IMPOSITION OF THE SAME CONDITIONS APPLICABLE TO THE SCHOOL, THE PROPOSED USE WOULD BE COMPATIBLE WITH THE EXISTING TREND OF DEVELOPMENT IN THE AREA.
STAFF RECOMMENDATION	<p>CHAPTER 40 OF THE LAND DEVELOPMENT CODE REQUIRES THE SUBMITTAL AND REVIEW OF A SITE PLAN THAT MEETS THE REQUIREMENTS THEREIN WHEN A PROJECT INVOLVES A USE CONVERSION WHERE THERE IS A NEED FOR SITE UPGRADES (E.G., PARKING, DRAINAGE, ETC.)</p> <p>CHAPTER 40 FURTHER IDENTIFIES THE REQUIRED SUBMITTALS FOR SITE PLAN APPLICATION INCLUDING GENERAL INFORMATION, EXISTING / PROPOSED BUILDINGS, STREETS / VEHICLE USE AREA LOCATIONS, DRAINAGE FACILITIES, ETC. THE SUBMITTED SITE PLAN DOES NOT DEPICT THE REQUIRED INFORMATION NOR DEMONSTRATE HOW THE SUBJECT PROPERTY WILL BE INTEGRATED INTO THE OVERALL SCHOOL SITE.</p> <p>WHEN THE REQUEST WAS FIRST CONSIDERED BY THE BOARD OF ADJUSTMENT ON SEPTEMBER 22, 2003, THE APPLICANT HAD FAILED TO SATISFY THE SITE PLAN REQUIREMENTS. FOR THIS REASON, THE BOARD OF ADJUSTMENT CONTINUED THIS ITEM TO ITS OCTOBER 27, 2003 REGULAR MEETING, AS RECOMMENDED BY STAFF.</p> <p>FOLLOWING THE SEPTEMBER HEARING, THE APPLICANT WAS CONTACTED AND FURTHER ADVISED OF THE SITE PLAN SUBMITTAL REQUIREMENTS; NO ADDITIONAL SITE</p>

PLAN SUBMITTALS HAVE BEEN RECEIVED BY STAFF FOR FURTHER REVIEW. STAFF THEREBY RECOMMENDS DENIAL OF THE REQUEST FOR SPECIAL EXCEPTION TO EXPAND AN EXISTING PRIVATE SCHOOL FOR CHILDREN WITH LEARNING ABILITIES IN THE A-1 (AGRICULTURE DISTRICT).

IF THE BOARD SHOULD DECIDE TO APPROVE THE REQUEST, STAFF RECOMMENDS APPROVAL SUBJECT TO THE PROPOSED SITE PLAN'S COMPLIANCE WITH CHAPTER 40 OF THE LAND DEVELOPMENT CODE AND THE IMPOSITION OF THE FOLLOWING CONDITIONS:

CONDITIONS OF ORIGINAL SPECIAL EXCEPTION (JUNE 12, 1979) THAT WOULD APPLY:

1. THE SCHOOL AND ASSOCIATED FACILITIES SHALL BE OPERATED ONLY FOR STUDENTS WITH LEARNING DISABILITIES.
2. THE SCHOOL AND ITS ASSOCIATED FACILITIES SHALL NOT BE OPENED ON HOLIDAYS OR WEEKENDS.
3. THE SITE PLAN FOR BUILDING MODIFICATION SHALL BE REVIEWED BY THE DEVELOPMENT REVIEW COMMITTEE (DRC) FOR COMPLIANCE WITH APPLICABLE REGULATIONS.

CONDITIONS OF AMENDED SPECIAL EXCEPTION (MAY 18, 1987) THAT WOULD APPLY:

4. TOTAL ENROLLMENT SHALL NOT EXCEED 200 STUDENTS.

CONDITIONS OF AMENDED SPECIAL EXCEPTION (JULY 27, 1992) THAT WOULD APPLY:

5. OUTSIDE ACTIVITIES SHALL BE RESTRICTED TO BETWEEN THE HOURS OF 12:30 PM & 8:00 PM.
6. A SOLID FENCE OR HEDGE SHALL BE CONTINUED ALONG THE WESTERN PROPERTY LINE TO INCORPORATE THE SUBJECT PROPERTY INTO THE OVERALL SCHOOL SITE.
7. ACCESS SHALL BE PROVIDED TO THE SITE FROM THE ADJOINING SCHOOL PROPERTY TO THE NORTH; EXISTING ACCESS TO SANDY LANE SHALL BE CLOSED.
8. THE PROPOSED CLASSROOM SHALL MEET CODE REQUIREMENTS.

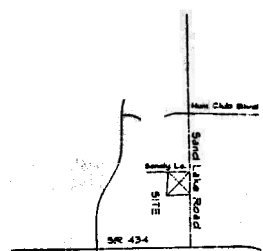
RECOMMENDED CONDITIONS OF REQUESTED SPECIAL EXCEPTION (SEPTEMBER 22, 2003) THAT WOULD APPLY:

9. PRIOR TO THE ISSUANCE OF DEVELOPMENT

		<p>PERMITS, AN ENGINEERED SITE PLAN SHALL BE REQUIRED AT FINAL SITE PLAN REVIEW TO ENSURE COMPLIANCE WITH STORMWATER REQUIREMENTS (PRE-DEVELOPMENT RATE OF DISCHARGE FOR THE 25-YEAR, 24-HOUR STORM EVENT).</p> <p>10. PRIOR TO THE ISSUANCE OF DEVELOPMENT PERMITS, A LISTED SPECIES SURVEY SHALL BE REQUIRED TO ADDRESS THE OCCURRENCE OF THREATENED, ENDANGERED, OR SPECIAL CONCERN SPECIES.</p> <p>11. PRIOR TO THE ISSUANCE OF DEVELOPMENT PERMITS, A SITE PLAN THAT MEETS THE REQUIREMENTS OF CHAPTER 40 OF THE LAND DEVELOPMENT CODE SHALL BE REVIEWED AND APPROVED BY THE DEVELOPMENT REVIEW COMMITTEE (DRC).</p>
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SITE LOCATION MAP



- [illegible]

Seater: 1" x 4
Drawing: CHL 8
Job: 92-21
Sheet:

C-1

PACE PRIVATE SCHOOL, INC.
LONGWOOD, FLORIDA



KENNETH M. McCOIG, P.E.
ENGINEERING CONSULTANTS

Proposed Use - School
 Owner - Edgar Bradley
 Norman Krosstad
 1171 Sandy Lane
 Longwood
 Ph 407 7881637

**DAYS AND HOURS
 OF OPERATION**

Mon thru Fri 7:30am - 4:30pm

**PROJECTED NO. OF EMPLOYEES
 AND STUDENTS**

Employees 7

Students 40

Height of Building -
 10 ft plus roof

Source of water - well

Trees - O = OAK
 P = pine

Contact Person

Richard Dunn
 2639 W. Hwy 434
 Longwood, FL
 Ph 407 8621870

ALINE, S 1/2, NE 1/4, SE 1/4, NE 1/4
 SEC. 7-21-29

REC. RA
 (V.K. SMITH)

REC. RA
 NW

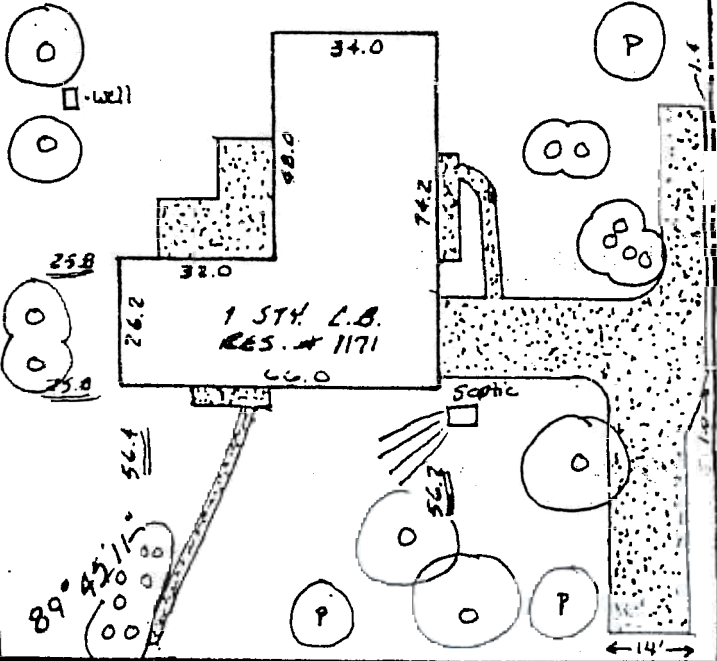
N 150', W. 315.40',
 S 1/2, NE 1/4, SE 1/4,
 NE 1/4 SEC 7-21-29

SCUB OAKS

315.40
 290.40

290.40
 315.40

15' x 15'
 W/1 LITTLE SHED



W. LINE NE 1/4, SE 1/4, NE 1/4
 SEC. 7-21-29

150.00

"LESS"

SANDY LANE

PLAT OF SURVEY - CERTIFIED TO: EDGAR BRADLEY, NORMA KROSTAD; CHICAGO TITLE INS. CO.; QUALIFAX MORTGAGE CO.

LEGAL DESCRIPTION:

THE NORTH 150.00 FEET OF THE WEST 315.40 FEET OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 21 SOUTH, RANGE 29 EAST (LESS THE WEST 25 FT. FOR SANDY LANE DRIVE), SEMINOLE CO. FLORIDA

For: EDGAR BRADLEY &
 NORMA KROSTAD

I HEREBY CERTIFY THIS
 SURVEY MEETS THE REQUIREMENTS

BOUNDARY
 AND

COPY

SPECIAL EXCEPTION APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

APPLICANT: PACE/BRAUTLEY HALL, INC. - Richard M. Dunn

COMPLETE MAILING ADDRESS: 3221 Sand Lake Rd. Longwood, FL 32779

PHONE: WORK: (407) 862-1870 HOME: (407) 539-1967 FAX: (407) 682-7004

CELL PHONE: (407) 496-7871 Email: _____

PROPERTY OWNER OF RECORD: Edgar Bradley and Norman L. Kroogstad

SITE OF REQUEST: 1171 Sandy Lane Longwood, FL 32779

REQUEST: PACE would like to purchase the above property, and convert existing residence to classroom and/or office use. PACE currently owns surrounding property (Grades 1-12)

SOURCE OF WATER AND SEWER SERVICE: _____

LEGAL DESCRIPTION OF PROPERTY: The North 150 ft of the West 315.40 feet of the South 1/2 of the NE 1/4 of SE 1/4 of the NE 1/4 of Section 7, Township 21 South, Range 29 East, Less west 25 feet for road

TAX PARCEL I.D. 07 2129 300 007A 0000

GENERAL LOCATION (Directions): 434 west, west on Sand Lake Rd, go approx 2 miles. left on Sandy Lane, property is on left approx 300 ft

KNOWN CODE ENFORCEMENT VIOLATIONS ON PROPERTY: _____

CURRENT USE OF PROPERTY: Residence

EACH APPLICATION WILL BE ACCOMPANIED BY THE FOLLOWING:

Submit ten (10) site plans and one (1) reduced 11" X 17" copy of the site plan. A completed Concurrency Review Application. A letter of authorization from the property owner if applicant is not the owner and application fee.

SIGNATURE OF APPLICANT Richard M. Dunn for DATE 6/17/03
Edgar Bradley

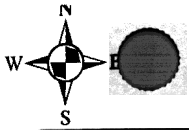
FOR OFFICE USE ONLY	
FEE: <u>\$ 370.00</u> , <u>1605</u> CC _____, DATE _____ ZONING DISTRICT: <u>A-1</u>	
FURTHER DESCRIBED AS: _____	
LOT SIZE: _____	
PROCESSING:	
A. LEGAL AD TO NEWSPAPER _____ / _____	B. NOTICE TO PROPERTY OWNERS _____
C. PLACARDS / NOTICE _____ / _____	D. PROJECT NO. _____
E. BOARD ACTION / DATE _____ / _____	F. LETTER TO APPLICANT _____

PLANNER _____

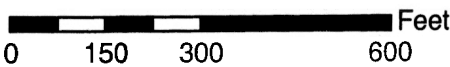
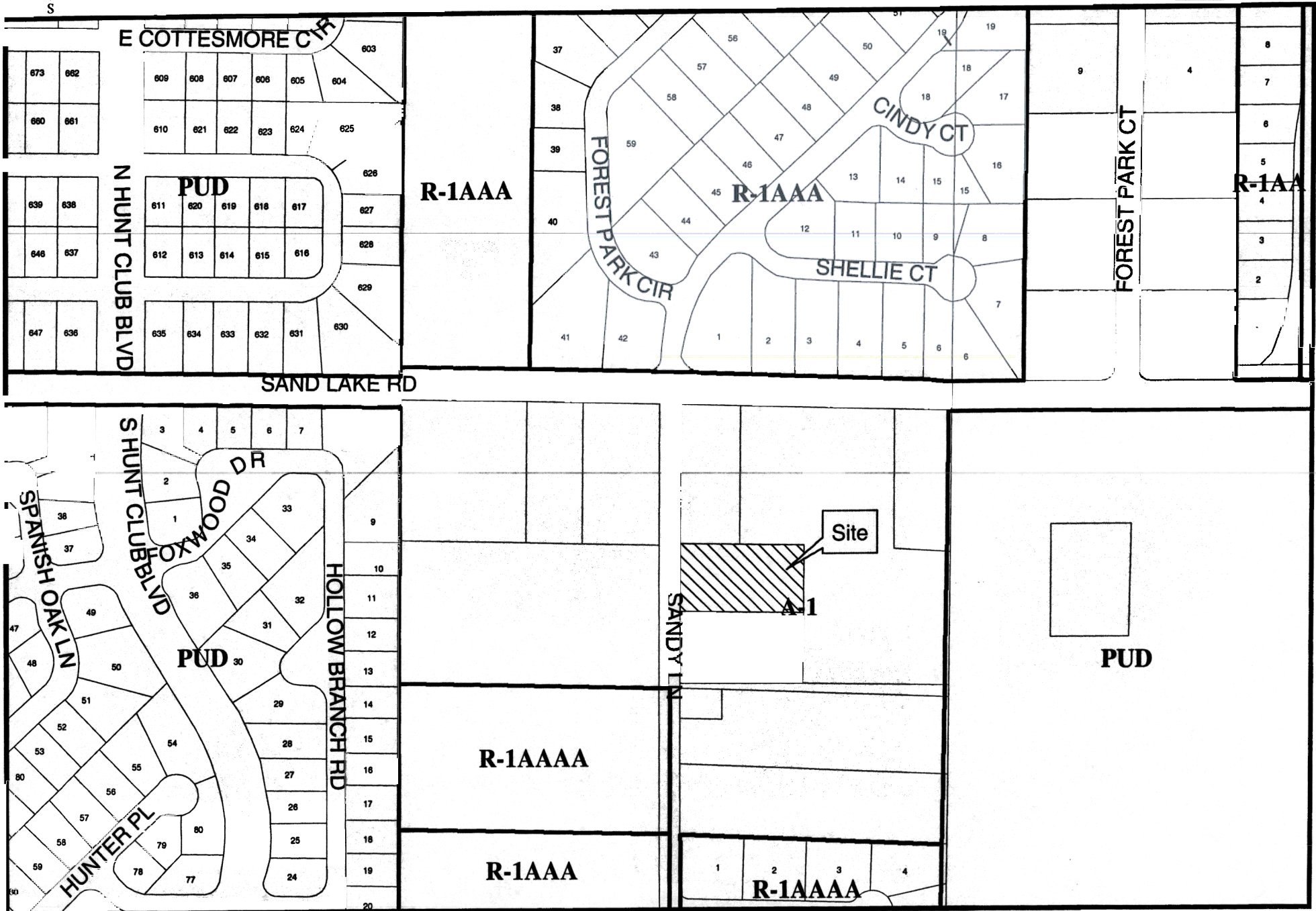
DISTRICT: 3-Van Der Weide

FILE NO. BS 2003-021

MEETING DATE Sept. 22, 2003



Pace/Brantly Hall Inc.
1171 Sandy Lane



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On September 22, 2003, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG SEC 07 TWP 21S RGE 29E N 150 FT OF W 315.40 FT OF S 1/2 OF NE 1/4 OF SE 1/4 OF NE 1/4 (LESS W 25 FT FOR RD)

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: EDGAR W. BRADLEY &
NORMAN L. KROGSTAD
1171 SANDY LANE
LONGWOOD, FL 32779

Project Name: PACE / BRANTLEY HALL, INC.

Requested Development Approval:

SPECIAL EXCEPTION TO EXPAND AN EXISTING PRIVATE SCHOOL FOR
CHILDREN WITH LEARNING ABILITIES IN THE A-1 (AGRICULTURE DISTRICT)

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Earnest McDonald
1101 East First Street
Sanford, Florida 32771

Order**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 1. The school and associated facilities shall be operated only for students with learning disabilities.
 2. The school and its associated facilities shall not be opened on holidays or weekends.
 3. The site plan for building modification shall be reviewed by the Development Review Committee (DRC) for compliance with applicable regulations.
 4. Total enrollment shall not exceed 200 students.
 5. Outside activities shall be restricted to between the hours of 12:30 pm & 8:00 pm.
 6. A solid fence or hedge shall be continued along the western property line to incorporate the subject property into the overall school site.
 7. Access shall be provided to the site from the adjoining school property to the north; existing access to sandy lane shall be closed.
 8. The proposed classroom/office shall meet code requirements.
 9. Prior to the issuance of development permits, an engineered site plan shall be required to ensure compliance with stormwater requirements (pre-development rate of discharge for the 25-year, 24-hour storm event).
 10. Prior to the issuance of development permits, a listed species survey shall be required to address the occurrence of threatened, endangered, or special concern species.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said

property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Daryl G. McLain
Chairman, Board of County Commissioners

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2003.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

Witness

Witness

)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Insert Name who is personally known to me or who has produced _____ as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this
 _____ day of _____, 2003.

My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, NORMAN L. KROGSTAD, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to agrees with and covenants to perform and fully abide by the provisions, terms conditions and commitments set forth in this Development Order.

Witness

NORMAN L. KROGSTAD

Witness

STATE OF FLORIDA)

)

COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Insert Name who is personally known to me or who has produced _____ as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2003.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: